

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor WE hereby declare that: our residence, post office address and citizenship are as stated below next to our name; that

We verily believe We are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PHOTOELECTIC GAMING TOKEN SENSING APPARATUS WITH FLUSH MOUNTED GAMING TOKEN SUPPORTER.**

The specification of which was filed on April 20, 2000 as Application Serial No. 09/553,075.

We hereby state that We have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

We hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed: **No such applications have been filed.**

We hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

**No such applications have been filed.**

We hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

**U.S. Patent Application Serial No.**

08/567,001  
08/041,850  
08/388,292  
08/043,413  
08/023,196  
08/866,516

**Filing Date**

December 4, 1995  
April 2, 1993  
February 14, 1995  
April 6, 1993  
February 5, 1993  
May 30, 1997

**Status**

Pending  
Issued as U.S. Pat. No. 5,472,194  
Issued as U.S. Pat. No. 5,544,892  
Issued as U.S. Pat. No. 5,417,430  
Issued as U.S. Pat. No. 5,288,081  
Pending

We hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Litman, Mark A.                      Reg. No. 26,390  
Farrar, Jennifer K.                Reg. No. 34,775\*

We hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which We hereby declare that We have consented after full disclosure to be represented unless/until We instruct Mark A. Litman to the contrary.

Please direct all correspondence in this case to Mark A. Litman & Associates, P.A. at the address indicated below:

3209 West 76th St.  
York Business Center, Suite 205  
Edina, MN 55435  
Telephone No. (952)832.9090

\* Jennifer K. Farrar is not a member of Mark A. Litman & Associates, P.A.

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1: John G. Breeding  
Citizenship: United States of America. Residence: Sedona, AZ  
Post Office Address: 370 Rockridge Drive  
Sedona, AZ 86336

Signature: John G. Breeding Date: 6-30-00  
John G. Breeding

My new address is

Full Name of joint inventor number 2: Troy D. Nelson 21898 181<sup>st</sup> Street  
Citizenship: United States of America. Residence: St. Michael, MN Big Lake, MN 55309  
Post Office Address: 700 Central Avenue West  
St. Michael, MN 55376

Signature: Troy D. Nelson Date: 7-05-00  
Troy D. Nelson

Full Name of joint inventor number 3: James B. Stasson  
Citizenship: United States of America. Residence: Chanhassen, MN  
Post Office Address: 2461 Bridle Creek Trail  
Chanhassen, MN 55317

Signature: James B. Stasson Date: 7-05-00  
James B. Stasson

Full Name of joint inventor number 4: James P. Helgesen  
Citizenship: United States of America. Residence: Eden Prairie, MN  
Post Office Address: 7184 Sunshine Drive  
Eden Prairie, MN 55346

Signature: James P. Helgesen Date: 7-07-00  
James P. Helgesen

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

*mm*  
*File*



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DECEMBER 08, 2000

PTAS

MARK A. LITMAN & ASSOCIATES, P.A.  
MARK A. LITMAN  
1209 WEST 76TH ST.  
SUITE 205  
EDINA, MN 55435



\*101490628A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/06/2000

REEL/FRAME: 011154/0134  
NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BREEDING, JOHN G.

DOC DATE: 06/30/2000

ASSIGNOR:

NELSON, TROY D.

DOC DATE: 07/05/2000

ASSIGNOR:

STASSON, JAMES B.

DOC DATE: 07/05/2000

ASSIGNOR:

HELGESEN, JAMES P.

DOC DATE: 07/07/2000

ASSIGNEE:

SHUFFLE MASTER, INC.  
10901 VALLEY VIEW ROAD  
MINNEAPOLIS, MINNESOTA 55344

SERIAL NUMBER: 09553075  
PATENT NUMBER:

FILING DATE: 04/20/2000  
ISSUE DATE:

*Received 12/15/00*  
*88*

TARA WASHINGTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

10-18-2000

FORM PTO-1584  
01-10-96:CMG

RI

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

App Ref Docket No.: 307.037US1 (PA0422.ap.)

101490628

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

2. Name and address of receiving party(ies):

John G. Breeding  
Troy D. Nelson  
James B. Stasson  
James P. Helgesen

Name: Shuffle Master, Inc.

Street Address: 10901 Valley View Road

Additional name(s) of conveying party(ies) attached? [ ] Yes [X] No

3. Nature of conveyance:

City: Minneapolis State: Minnesota ZIP: 55344

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Additional name(s) &amp; address(es) attached? [ ] Yes [X] No

Execution Date: June 30, 2000; July 5, 2000; July 5, 2000; July 7, 2000

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Serial No. 09/553,075, Filed April 29, 2000

Additional numbers attached? [ ] Yes [X] No Attorney's Docket No. 307.037US1 (PA0422.ap.US)

5. Name and address of party to whom correspondence concerning document should be mailed:

6. Total number of applications and patents involved: 1

Name: Mark A. Litman

7. Total fee (37 CFR 3.41): \$ 40.00

Address: Mark A. Litman & Associates, P.A.  
York Business Center  
3209 West 76th St  
Suite 205  
Edina, MN 55435☐ Enclosed  
☐ Authorized to be charged to deposit account (50-1391)  
☒ Has previously been paid (See attached copies)8. Please charge any additional fees or credit any overpayments to our  
Deposit account number: 50-1391

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mark A. Litman/Rcg. No. 26,390

Name of Person Signing: Mark A. Litman

Signature

Date

28 September 2000

Total number of pages including cover sheet: 5 Pages of Application

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of information systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

## ASSIGNMENT FOR FILED PATENT APPLICATION

WHEREAS, WE, John G. Breeding, residing at 370 Rockridge Drive, Sedona, Arizona 86336; Troy D. Nelson, residing at 21898 181<sup>st</sup> Street, Big Lake, Minnesota 55309; James B. Stasson, residing at 2461 Bridle Creek Trail, Chanhassen, Minnesota 55317; and James P. Helgesen, residing at 7184 Sunshine Drive, Eden Prairie, Minnesota 55346, made certain new and useful inventions and improvements for which We filed an application for Letters Patent of the United States on April 20, 2000, which is entitled PHOTOELECTRIC GAMING TOKEN SENSING APPARATUS WITH FLUSH MOUNTED GAMING TOKEN SUPPORTER.

AND WHEREAS, Shuffle Master, Inc., a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 10901 Valley View Road, Eden Prairie, Minnesota 55344, (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, continuations-in-part, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

Atty Ref/Docket No.: 307.037US1

To the Honorable Commissioner of Patents and Trademarks

1. Name of conveying party(ies):

John G. Breeding

Troy D. Nelson

James B. Stasson

James P. Helgesen

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: June 30, 2000, July 5, 2000, July 5, 2000, July 7, 2000

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Serial No. ---/---/---, filed ---/---/---, 2000

Additional numbers attached? ☐ Yes ☒ No Attorney's Docket No. 307.037US1

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mark A. Litman

Address: Mark A. Litman & Associates, P.A.  
York Business Center  
3209 West 76th St  
Suite 205  
Edina, MN 55435

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account (50-1391)

8. Please charge any additional fees or credit any overpayments to our  
Deposit account number: 50-1391

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mark A. Litman/Reg. No. 26,390

Name of Person Signing

Signature

Date

Total number of pages including cover sheet: 5 Pages

OMB No. 0651-0011 (exp: 4/94)

Do not detach this portion

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08/04/2000 HAMMOND 00000033 09553075

03 FC:581

40.00 CH



AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me/us and that full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 30 day of June, 2000.

Name: John G. Breeding

John G. Breeding

STATE OF Arizona  
COUNTY OF Yavapai ) ss.

On this 30 day of June, 2000 before me personally appeared John G. Breeding to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]



NOTARY PUBLIC  
STATE OF ARIZONA  
YAVAPAI COUNTY  
FRANCES MELLO

My Commission Expires April 30, 2003

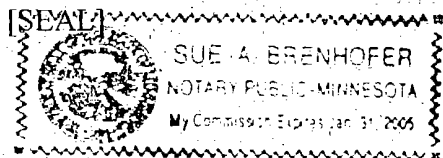
Frances Mello  
Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand this 5<sup>th</sup> day of July, 2000.

Name: Troy D. Nelson  
Troy D. Nelson

STATE OF Minnesota  
)ss.  
COUNTY OF Hennepin

On this 5<sup>th</sup> day of July, 2000 before me personally appeared Troy D. Nelson to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.



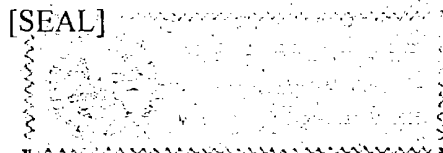
Sue A. Brenhofer  
Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand this 5<sup>th</sup> day of July, 2000.

Name: James B. Stasson  
James B. Stasson

STATE OF Minnesota  
)ss.  
COUNTY OF Hennepin

On this 5<sup>th</sup> day of July, 2000 before me personally appeared James B. Stasson to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.



Sue A. Brenhofer  
Notary Public

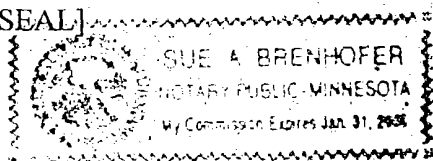
IN TESTIMONY WHEREOF, I have hereunto set my hand this 7<sup>th</sup> day of July, 2000.

Name: James P. Helgesen  
James P. Helgesen

STATE OF Minnesota)  
)ss.  
COUNTY OF Hennepin)

On this 7<sup>th</sup> day of July, 2000 before me personally appeared James P. Helgesen  
to me known and known to me to be the person described in and who executed the foregoing  
instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and  
purposes therein set forth.

[SEAL]



Sue A. Brenhofer  
Notary Public

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: John G. Breeding, et al.  
Serial No. New Application – Filed Herewith  
Filed: July 8, 2003 Docket No.: PA0894.ap.US  
Title: PHOTOELECTRIC GAMING TOKEN SENSING APPARATUS WITH FLUSH  
MOUNTED GAMING TOKEN SUPPORTER

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**MAIL STOP PATENT APPLICATION**

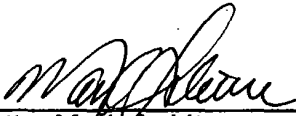
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Communication Re: Small Entity Status**

Dear Sir or Madam:

I, Mark A. Litman, as the attorney of record for the above-mentioned patent application, upon best information and belief hereby state that Shuffle Master, Inc. is a small entity in accordance with the statute 37 C.F.R. 1.9(f) and 1.27(c).

MARK A. LITMAN & ASSOCIATES, P.A.  
York Business Center, Suite 205, 3209 W. 76<sup>th</sup> St.  
Edina, MN 55435 (952-832-9090)

By:   
Atty: Mark A. Litman  
Reg. No. 26,390

**CERTIFICATE UNDER 37 C.F.R. 1.10:**

'Express Mail' mailing number: EV298711008US

Date of Deposit: July 8, 2003

The undersigned hereby certifies that this Transmittal Letter and the paper or fee, as described herein, are being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313.

By: 

MARK A. LITMAN